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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 5, 2001

JOINT PETITION OF

NUI CORPORATION,
VGC ACQUISITION, INC.,
and
VIRGINIA GAS COMPANY

CASE NO. PUA000079

For approval of agreement
and plan of merger under
Chapter 5 of Title 56
of the Code of Virginia

ORDER EXTENDING COMMENT PERIOD

On February 21, 2001, Hearing Examiner Alexander F. Skirpan Jr. issued his Report in this matter. The Report provided that any comments to the Report, pursuant to Rule 5:16(e) of the Commission's Rules of Practice and Procedure,¹ must be filed with the Clerk of the Commission within fifteen (15) days, or March 8, 2001. On February 28, 2001, Andrew Gentiluomo, a Protestant in this proceeding, filed a request for a thirty (30) day extension to file comments on the Hearing Examiner's Report.

NOW THE COMMISSION, upon consideration of the request and the applicable law, is of the opinion and finds that an extension should be granted to March 12, 2001. The Commission cannot grant the full relief requested. We have already extended the period for our consideration of the joint petition

¹ 5 VAC 5-10-420 F.

to the maximum time permitted under Virginia law.² The Commission is required to act on the joint petition by March 27, 2001, or the proposed merger "shall be deemed approved" pursuant to § 56-88.1 of the Code of Virginia. Thus, if comments are to be filed, any extension of time for their filing will necessarily reduce the period of time available between March 8 and March 27 for the Commission's consideration of all matters in this case. Accordingly,

IT IS ORDERED THAT the time for parties to file any comments to the February 21, 2001, Report of the Hearing Examiner shall be extended from March 8, 2001, to March 12, 2001. Any comments shall otherwise be filed in the manner prescribed in the Hearing Examiner's Report.

² See Order Establishing Hearing and Additional Procedural Schedule (Nov. 29, 2000) at 8, and § 56-88.1 of the Code of Virginia.